



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

March 30, 2016

The Honorable Jeb Bradley, Chair  
Senate Energy and Natural Resources Committee  
State House, Room 100  
Concord, NH 03301

RE: **HB 1595-FN** *An act relative to the rivers management and protection program.*

Dear Chairman Bradley and Members of the Committee:

Thank you for the opportunity to comment on HB 1595. This bill would update RSA 483, the New Hampshire Rivers Management and Protection Program (Rivers Program), to accommodate advances in river-related sciences, simplify the administrative process of nominating members to the Rivers Management Advisory Committee, apply only certain provisions of the Shoreland Water Quality Protection Act to third order and smaller designated rivers, and make other changes that reflect current Rivers Program activities. The New Hampshire Department of Environmental Services (NHDES) supports this bill as amended.

Scientific advances in the 28 years since the Rivers Program legislation was enacted have resulted in a better understanding of river flow dynamics, impacts resulting from floods, and the consequences of low flows on fish, wildlife and water-dependent businesses. To reflect this enhanced knowledge, this bill would amend RSA 483 to require the consideration of fluvial geomorphology in river corridor management plans and to refine the definition of instream flow protection to reflect the dynamic flow patterns of rivers.

Administrative updates to RSA 483 are required to accommodate changes in organizational names, responsibilities, and capacity. The proposed language reduces the required number of nominations for each seat on the Rivers Management Advisory Committee from three to one. This reflects the challenge that organizations face in finding multiple qualified candidates willing to volunteer for these seats. Similarly, changes in the membership requirements for local river management advisory committees would eliminate the need for municipalities to be represented on the committee unless they so desire, thereby re-affirming the locally-driven nature of the Rivers Program.

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Finally, recent interest among river advocacy groups in nominating small river networks into the Rivers Program has identified the challenge of applying the protections of the Shoreland Water Quality Protection Act to small, low order streams. To address this concern, this bill would amend RSA 483 to apply only to the Waterfront Buffer protections -- those which limit vegetative cutting, building, fertilizer application and other activities within 50 feet of the high water mark -- to lower order designated streams. This change, a reduction in the protective measures that apply currently, constitutes a compromise that would maintain the critical water quality protection buffer near the water's edge while allowing greater development flexibility within the remaining area of the Protected Shoreland of first through third order designated rivers. The change would also be expected to minimize the additional permitting burden on Department staff that might result from the designation of additional first through third order streams.

If you have questions or need additional information, please contact Ted Diers, Watershed Management Bureau Administrator ([ted.diers@des.nh.gov](mailto:ted.diers@des.nh.gov) or 271-3289), or Tracie Sales, Watershed Planner ([tracie.sales@des.nh.gov](mailto:tracie.sales@des.nh.gov) or 271-8811).

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is fluid and cursive, with the first name "Thomas" and last name "Burack" clearly legible.

Thomas S. Burack  
Commissioner

Cc: Sponsors of HB1595: Reps. Spang, Beaulieu, Ford, Gottling; Sens. Fuller Clark, Reagan